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April 13, 2015

By ECF and Electronic Mail

Hon. Katherine B. Forrest
United States District Court
Southern District of New York
500 Pearl Street, Room 1950
New York, NY 10007

Re: *In Re Aluminum Warehousing Antitrust Litig.*, No. 13-md-2481-KBF-RLE

Dear Judge Forrest:

I write on behalf of defendants and the direct purchaser plaintiffs to submit a joint request for an adjustment to the class certification briefing schedule that will not affect the trial date or the other dates on the schedule entered on April 3, 2015 (docket 736).

The April 3 schedule provides that the class certification motion, opposition, and reply shall be filed on December 1, 2015, January 4, 2016, and January 29, 2016, respectively. Defendants respectfully submit that the 34-day period provided for their opposition, which spans the Christmas and New Year's holidays, does not provide sufficient time in which to analyze plaintiffs' class certification expert reports, depose plaintiffs' class certification experts, prepare counter-expert submissions, and draft an opposition to plaintiffs' motion. Similarly, plaintiffs respectfully submit that a 25-day reply period provides insufficient time in which to analyze defendants' class certification expert submissions, depose defendants' experts, and prepare a reply.

Defendants anticipate that plaintiffs' class certification motion will be accompanied by lengthy expert submissions and extensive statistical analysis of data. It likely will take considerable time simply to load the relevant data and code and replicate the analysis of plaintiffs' experts, much less to critique and respond to that analysis. Under the April 3 schedule, however, defendants will have only 34 days in which to (1) review plaintiffs' class certification expert submissions, (2) receive and load their experts' data and code, (3) replicate their experts' statistical and econometric analysis, (4) depose plaintiffs' experts, (5) prepare counter-expert submissions, and (6) draft an opposition memorandum of law. Moreover, the schedule provides defendants with only 22 days before the onset of the holidays and requires them to submit their opposition on the first business day following the holidays.

The same issues will confront plaintiffs with respect to their reply period: plaintiffs are likely to be faced with substantial expert submissions from defendants and will need more than

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25 days in which to review, replicate, and respond to those submissions, depose defendants' experts, and prepare a reply.

For these reasons, the parties jointly request that the class certification briefing schedule be adjusted to provide that the motion, opposition, and reply be due on December 1, 2015, February 1, 2016, and April 1, 2016, respectively. We note that adjusting these dates does not require adjusting the trial date or any other date on the April 3 schedule. No prior request for this relief has been made.

OK.

We appreciate the Court's consideration of this request.

Respectfully,

s/ Robert D. Wick
Counsel to Henry Bath LLC

cc: Counsel of Record (by ECF and Electronic Mail)

Ordered

The request is certainly reasonable. Application granted and schedule adjusted as set forth above.

K B. For
USDJ

4/14/15